

REMARKS

The present remarks and amendments are responsive to the Office Action mailed September 21, 2004. Reconsideration and allowance of this application is respectfully requested in light of the amendments and remarks contained herein.

A. Election of Claims

In accordance with the Examiner's request, Applicant hereby confirms the election of group I claims (1-32 and 35-38) without traverse as previously discussed in the telephone call with Examiner on September 7, 2004.

B. Claim Objections

Claims 22 and 32 have been amended to correct the typographical errors noted by the Examiner.

C. Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 22 and 29 on antecedent basis grounds. The claims have been amended to correct these issues. Therefore, Applicant requests that the Examiner withdraw the rejection.

D. Rejections under 35 U.S.C. § 101

Claims 1-17 have been rejected under 35 U.S.C. § 101 as not being a method performed with a computer or electronic means. Applicant has amended the claims in this regard.

E. Rejections under 35 U.S.C. § 102

(1) Independent Claim 1 and dependent claims 2-17

The Examiner has rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by the "List Owner's Manual for LISTSERV, version 1.8d by L-Soft International, Inc. (*LSOFT*) or "Keeping Parents in the Loop on a Kid-Centered Site" by the FreeZone Network(*FreeZone*). It is submitted that claim 1 as amended is patentably distinguishable over the *LSOFT* and *FreeZone* disclosures because the cited references do not disclose or teach all of the elements of the claim.

LSOFT provides a system for allowing new users to subscribe to an electronic mailing list where the owner of the list can be notified of a new subscription to the list or the user can be sent an email message for the purpose of confirming activation of a new subscription. On the other hand, *FreeZone* conditions access to a website based on a child user completing an on-line form that prompts the child to type in age and parent information.

However, neither reference teaches pre-storing the information claimed in claim 1. Claim 1 recites:

A computerized method of authenticating a user comprising:

receiving a request for information from a user,
receiving pre-stored personal information
associated with said user, said pre-stored personal
information including an address and age information,

sending a permission request to said address,
said permission request including a request for
permission to provide information to said user,
receiving permission in response to said
permission request, and

sending information to said user in response to
said request for information.

Neither *LSOFT* nor *FreeZone* accomplish this since their subscription and new user access processes do not utilize such pre-stored personal information. Rather, *LSOFT* notifies the users of new subscriptions or activation confirmations, and *FreeZone* requires the child to type in age and parent information. Again, neither uses pre-stored information to request permission before sending additional information. The invention of claim 1 is both novel and non-obvious over the disclosures of these references.

In this regard, *LSOFT* and *FreeZone* do not permit some of the advantageous systems facilitated by the claimed invention. Although the claims are not limited to the following particular example, as described in the specification, Applicant's system permits children users to access many new websites while securely providing parental age control over such access. The system accomplishes this by permitting a parent to pre-load information associated with the child user which is then used to gain access to multiple websites based on requests for permission. See, e.g., Specification ¶¶ 35 and 25. Such a pre-stored mechanism can prevent an underage child from entering inaccurate personal information, such as, age or parental email address, which could otherwise be used to bypass the desired protection.

Moreover, while Applicant disagrees with certain conclusions of the Examiner regarding the rejections of the

dependent claims 2-17, Applicant submits that the allowance of claim 1 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention of claim 1, in addition to the novel and non-obvious features contained in them. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-17.

(2) Independent claim 21 and dependent claim 22

The limitations of the inventions of independent claim 21 may be compared with claim 1. Claim 21 defines the invention of:

A method of authenticating a user over a client/server network wherein said server has content restricted to users older than a particular age, said method comprising the steps of said server:

receiving a request from said user for access to said content,

receiving pre-stored personal information regarding said user, said pre-stored personal information including age data representative of said user's age and an e-mail address on said network,

if said age data indicates that said user is older than said particular age, then sending an e-mail to said address indicating said request was received,

sending said content to said user if a permission response is received in response to said e-mail.

Applicant submits that this claim is not anticipated by the relied on disclosure of *FreeZone* as the reference does not teach all of the limitations of these claims as recited above. Similarly, dependent claim 22 is allowable because it contains features not disclosed or taught by the relied on prior art. Accordingly, Applicant submits that these claims are in condition for allowance.

(3) Independent claim 35 and dependent claims 36-38

The limitations of the inventions of independent claim 35 may be compared with claim 1. Claim 35 defines Applicant's invention as:

A system of authenticating a user comprising:
a processor,
a set of instructions executable by said processor, said instructions including: receiving a request for information from a user; receiving pre-stored user information associated with said user, said pre-stored user information including an address and age data; sending a permission request to said address, said permission request including a request for permission to provide information to said user; receiving permission in response to said permission request; and sending information to said user in response to said request for information.

Applicant submits that this claim is not anticipated by *FreeZone* since the reference does not teach all of the limitations as recited above. Similarly, dependent claims 36-38 are allowable because they contain features not disclosed or taught by the relied on prior art. Accordingly, Applicant submits that these claims are in condition for allowance.

F. Rejections under 35 U.S.C. § 103

(1) Independent Claim 18 and dependent claims 19-20

The Examiner has rejected claim 18 based on the combined disclosures of (1) U.S. Patent no. 5,706,427 to *Tabuki*, (2) "SafeSurf Internet Rating System Receive Broad Support From OnLine Community" by Soular et al. (*Soular*) and (3) U.S. Patent no. 5,488,409 to Yuen et al. (*Yuen*). Applicant respectfully disagrees with the Examiner's rejection. All of the features of the invention of claim 18 are not disclosed in the cited reference.

The Examiner concedes that *Tabuki* does not store age data nor does it disclose a system for gaining access to content based on the age data. Office Action at 10. For these features the Examiner relies on *Soular* and *Yuen*. However, neither of these references provides or teaches the missing elements.

First, with regard to *Soular*, this reference identifies a system permitting a parent to "designate viewing levels according to the age of their children and their own personal standards." From this disclosure, the Examiner attempts to extract storing of "age data". However, "age data" is not mentioned in the reference nor is it inherent from the disclosure. To the contrary, the only thing being designated by the parent is "a viewing level". These viewing levels may be different degrees of violence, sex, or profanity, (such as high, medium, low or none) from which a parent may choose based on his/her understanding of the age of his/her child and his/her personal standards. Thus, the Examiner's reliance on this reference for teaching a disclosure of storing user "age data" for controlling access to content is misplaced.

Secondly, the storing of user's "age data" is not disclosed in *Yuen*. *Yuen* teaches a password protected video cassette recorder (VCR). Use of the passwords controls different access to different shows displayable with the VCR. Thus, one password may be used for accessing one type of show and another password may be used to access other types of shows. It does not

disclose the storing of a user's "age data" for accessing these shows by the user.

Thus, at best, what is taught by these combined references is to use parental discretion in setting viewing filters or in giving a child a password that will limit the child's access to content associated with the password. But that still presents the problem of getting the passwords to the child in a manner that is age appropriate or otherwise determining what filtering levels are age appropriate. Simply put, the cited art does not show or teach the Applicant's approach to the very problem that the invention solves. To the contrary, these different approaches relied upon by the Examiner teach away from Applicant's age approach.

To this end, the Applicant's invention of claim 18 defines:

A method of authenticating the age of a user over a client/server network wherein said server has content restricted to users older than a particular age, said method comprising the steps of said client:
storing age data representative of said user's age on a client of said network,
after said step of said storing, sending a request to said server for access to said content,
receiving a request for said age data in response to the request for access to said content,
providing the age data in response to said request for said age data,
gaining access or being denied access to said content dependant upon whether said age data indicates that said user is older than said particular age.

None of the relied on references either suggest or disclose such an invention. Thus, Applicant submits that claim 18 is both novel and non-obvious.

Moreover, while Applicant disagrees with certain conclusions of the Examiner regarding the rejections of dependent claims 19 and 20, Applicant submits that the allowance of claim 18 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention of claim 18, in addition to the novel and non-obvious features contained in them. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 18-20.

(2) Independent claim 23 and dependent claims 24-32

The Examiner has rejected claims 23-32 over *Tabuki* in view of the "FreeZone Privacy Statement" (*FreeZone '00*). The Examiner asserts that the authentication process of *Tabuki* generally discloses the limitations of the claimed method with the exception of the aspects relating to "authentication data including an email address and a value associated with a personal characteristic, receiving at said email address a request to permit access to said content, the receiving step being dependent upon a comparison of the stored value and the cutoff value, and sending the requested content dependent upon whether another user replies to the request to permit access." Office Action at 12. The latter limitations are purportedly

taken from *FreeZone '00*. Applicant respectfully requests that the Examiner reconsider.

FreeZone '00 relates to a website's use of an html input form for gaining access to a website. New child users complete the on-line form to request a password for access to the website. A message may be sent to the user's parent to request permission for accessing the website. In gaining access privileges for the website, there is no indication of claim 23's "pre-storing personal information regarding said user, said personal information including an e-mail address and a value associated with a personal characteristic". Neither the disclosures of *Tabuki* nor *FreeZone '00* disclose or suggest such an element.

Moreover, while Applicant disagrees with certain conclusions of the Examiner regarding the rejections of the dependent claims 24-32, Applicant submits that the allowance of claim 23 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention of claim 23, in addition to the novel and non-obvious features contained in them.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 23-32.

CONCLUSION

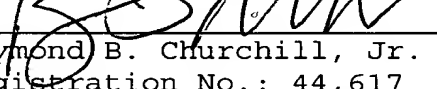
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 21, 2004

Respectfully submitted,

By 
Raymond B. Churchill, Jr.
Registration No.: 44,617
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, NJ 07090
(908) 654-5000
Attorney for Applicant